

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Lyle Thomas Lemke

Complainant

v.

Rochester Area Builders, Inc.,

Respondent

**NOTICE OF DETERMINATION OF  
PRIMA FACIE VIOLATION  
AND  
NOTICE OF AND ORDER FOR  
PROBABLE CAUSE HEARING**

TO: Lyle Thomas Lemke, 620 20<sup>th</sup> Street NE, Rochester, MN 55906, and Rochester Area Builders, Inc., Attn: Sandy Friend, 100 Elton Hills Lane NW, Rochester, MN 55901.

On October 1, 2004, Complainant filed a complaint with the Office of Administrative Hearings alleging a violation of Minn. Stat. Chap. 211B.15 by Respondent. After reviewing the complaint and attached documents, the undersigned Administrative Law Judge has determined that the complaint sets forth a prima facie violation of Minn. Stat. § 211B.15. In particular, the posting of a link to a candidate's website on the Respondent's website may constitute a prohibited corporate political contribution.

**THEREFORE, IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that this matter is scheduled for a probable cause hearing to be conducted by the undersigned Administrative Law Judge by telephone on Wednesday, October 6, 2004 at 3:00 p.m. The Administrative Law Judge will call Mr. Lemke at 507-282-7698 and Ms. Friend at 507-282-7698 at that time unless the parties request to be called at a different number.

The probable cause hearing will be conducted pursuant to Minn. Stat. § 211B.34. Information about the probable cause proceedings and copies of state statutes may be obtained online at [www.oah.state.mn.us](http://www.oah.state.mn.us) and [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us). The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court.

At the probable cause hearing, all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. In addition, the parties have the right to submit evidence, affidavits, documentation and argument for consideration by the Administrative Law Judge. **Any documents to be considered by the ALJ must be faxed to the ALJ, at 612-349-2665, and to the other party before 4:30 p.m. on Tuesday, October 5, 2004.**

At the conclusion of the probable cause hearing, the Administrative Law Judge will either: (1) dismiss the complaint based on a determination that the complaint is frivolous, or that there is no probable cause to believe that the violation of law alleged in the complaint has occurred; or (2) determine that there is probable cause to believe that the violation of law alleged in the complaint has occurred and refer the case to the Chief Administrative Law Judge for the scheduling of an evidentiary hearing. Evidentiary hearings are conducted pursuant to Minn. Stat. § 211B.35. If the Administrative Law Judge dismisses the complaint, the complainant has the right to seek reconsideration of the decision on the record by the Chief Administrative Law Judge, under Minn. Stat. § 211B.34, subd. 3.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401, or call 612-341-7610 (voice) or 612-341-7346 (TTY).

The parties should address any questions to Anne Becker, Staff Attorney, at 612-341-7666.

Dated: October 1, 2004

/s/ George A. Beck  
GEORGE A. BECK  
Administrative Law Judge